

1  
2  
3  
4  
5  
6  
7  
8  
9 **UNITED STATES DISTRICT COURT**  
10 **SOUTHERN DISTRICT OF CALIFORNIA**  
11

12 JOSEPH A. HASLEY, SR.,  
13 Petitioner,

14  
15 v.  
16

17 DANIEL PARAMO, Warden; and  
18 KAMALA HARRIS,  
19  
20 Respondents.  
21

Civil No. 15-cv-310-H (DHB)

**ORDER:**

**(1) GRANTING MOTION TO  
DISMISS PETITION FOR WRIT  
OF HABEAS CORPUS;**

**[Doc. No. 7.]**

**(2) ADOPTING REPORT AND  
RECOMMENDATION OF  
MAGISTRATE JUDGE; AND**

**[Doc. No. 16.]**

**(3) DENYING CERTIFICATE OF  
APPEALABILITY**

22 On February 12, 2015, Petitioner Joseph A. Hasley, Sr., a state prisoner proceeding  
23 *pro se*, filed a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. (Doc. No.  
24 1.) On April 29, 2015, Respondents filed a motion to dismiss Petitioner's habeas petition  
25 as untimely under AEDPA's one-year statute of limitations, 28 U.S.C. § 2244(d). (Doc.  
26 No. 7.) On July 1, 2015, Petitioner filed an opposition to Respondents' motion to  
27 dismiss. (Doc. No. 15.)


28 On July 29, 2015, the magistrate judge issued a report and recommendation,

1 recommending that the Court dismiss Petitioner's habeas petition as untimely under  
2 AEDPA's one-year statute of limitations. (Doc. No. 16.) On September 17, 2015,  
3 Petitioner filed objections to the magistrate judge's R & R. (Doc. No. 20.)

4 After due consideration of the parties' papers, the Court adopts the magistrate  
5 judge's report and recommendation, grants Respondents' motion to dismiss the petition  
6 for writ of habeas corpus, and dismisses the petition. Here, Petitioner filed his federal  
7 habeas petition more than eight years after the one-year statute of limitations had expired.  
8 (See Doc. No. 16 at 4.) See 28 U.S.C. § 2244(d). Additionally, the Court declines to  
9 issue a certificate of appealability. 28 U.S.C. § 2253(c)(2); see Slack v. McDaniel, 529  
10 U.S. 473, 485 (2000) ("When the district court denies a habeas petition on procedural  
11 grounds without reaching the prisoner's underlying constitutional claim," the Court  
12 should issue a certificate of appealability only if "jurists of reason would find it debatable  
13 whether the district court was correct in its procedural ruling.").

14 **IT IS SO ORDERED.**

15 DATED: October 6, 2015

16   
17 MARILYN L. HUFF, District Judge  
18 UNITED STATES DISTRICT COURT  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28